

REMARKS

Applicant respectfully requests reconsideration and allowance of the above-identified patent application. Claims 1-16, 18-33, and 35-41 remain pending, of which claims 1, 15, 24, 32, 33, 38, and 39 have been amended, and claim 34 has been canceled.¹

Initially, Applicant notes with appreciation the Examiner's withdrawal of the previous obviousness rejection to "Supplementary Service in the H.323 IP Telephony Network" by Korpi et al. ("*Korpi*") in view of "H.323: The Multimedia Communications Standard for Local Area Networks" by Thom ("*Thom*").

In the fifth paragraph, the Office action objects to claims 32, 33, 38, and 39 for various informalities. In particular, the Office action objects to these claims for referencing "C4P" and/or "C4", but not further defining such references in the claims (i.e., a communication proxy server and a logical digital switch, respectively). In order to address the Examiner's concerns, Applicant has amended the claims as suggested. Accordingly, Applicant respectfully requests withdrawal of this ground of objection.

In the seventh paragraph, the Office action rejects claim 34 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. The Office action alleges that this claim contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the Inventor, at the time the application was filed, had possession of the claimed invention. In particular, the Office action alleges that Applicant's application does not appear to support the special case of when a

¹ Support for the claim amendments can be found throughout the Specification, and more specifically, *see e.g.*, p. 17, ll. 13-19, p. 24, ll. 3-10, and p. 33, ll. 1-13. Accordingly, Applicant respectfully submits that no new matter has been added.

Applicant respectfully notes that such amendments are used to clarify what was otherwise explicitly or inherently claimed. As such, the next Office action (if any) should not be made final if new grounds of rejection are issued, since such amendments could not have necessitated any such new grounds of rejection.

resource is not free. The Office action further alleges that instead Applicant's specification references that the case is possible but does not further explain how the request is handled as recited in the claims. More specifically, the Office action alleges that Applicant's figure 3 describes call flow control for setting up a session when a call is free, but pages 30-31 do not teach the specific limitations recited in the claims. Moreover, the Office action alleges that Applicant just teaches a "CallClear" signal but doesn't describe how the signal is used.

Applicant respectfully disagrees with the Office action's analysis of what Applicant's specification discloses. More specifically, Applicant notes that one of ordinary skill in the art when reading the entire specification—and in particular those sections that are directed toward how the CAS uses the service tables to manage resources and use such signals as the "CallClear" described above—would recognize that the subject matter claimed was described in the specification in such a way as to reasonably convey that the Applicant, at the time the application was filed, had possession of the claimed invention. Nevertheless, in the interest of expediting prosecution, Applicant has canceled claim 34; but Applicant reserves the right to pursue this subject matter as needed or desired in future communications. Accordingly, Applicant respectfully requests withdrawal of this ground of rejection.

In the ninth paragraph, the Office action rejects independent claim 1 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Korpi* in view of *Thom* and further in view of U.S. Patent No. 6,856,676 B1 to *Pirot et al.* ("*Pirot*"). In paragraph 13, the Office action rejects independent claim 15 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Korpi*, *Thom*, and *Pirot*, and in further view of "C6x Solutions for Voice over IP Gateway" by *Cassing* ("*Cassing*"). In addition, the Office action rejects independent claim 24 under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Korpi*, *Thom*, and *Pirot*, and further in view of U.S.

Patent Application 2001/0046234 A1 by Agrawal et al. ("*Agrawal*") and "RFC 2806 – URLs for Telephone Calls" to A. Vaha-Sipila ("*Vaha-Sipila*"). For the following reasons, Applicant respectfully traverses these grounds of rejection.²

Applicant's invention, as recited in independent claim 1 for example, relates to a method of allowing communication applicants to modify call detail records for services rendered on a per call record basis. Accordingly, within a call detail record, generic fields are provided that allow a central arbitration server to collect billing information for any application, without call having to anticipate the application. The above method includes initiating a control path connection on a network layer between individual components attached to the dispersed network and at least one central arbitration server for centralized arbitration of service requests received from the individual components, receiving a service request, initiating a data path connection between the individual components designated by the service request, and the central arbitration server initiating a service layer to supply the requested service. Further, claim 1 has been amended to include that the central arbitration server: generates a call detail record for the service request and populates one or more call detail record fields thereof by default; and allows an application corresponding to the requested service to extend the one or more call detail record fields known to the central arbitration server by adding at least one call detail record field defined by the application in order to allow the application to add information on a per call detail record basis.

² Applicant's amendments and arguments with respect to the cited art should not be interpreted as acquiescing as to the prior art status or asserted teachings of the cited art. In fact, Applicant respectfully disagrees with the Office action's response to Applicant's previous arguments filed. Accordingly, Applicant specifically reserves the right to challenge the prior art status and asserted teachings of the cited art, should Applicant desire to do so in future responses.

In addition, as previously noted, the Office action alleges that Applicant should not receive priority for any of the claims. Although Applicant does not necessarily agree with the Office action's priority analysis, in the interest of expediting prosecution Applicant has amended the claimed invention to distinguish over the cited art. Nevertheless, Applicant reserves the right to revisit the issue of priority should Applicant desire or need to do so in the future for this or any subsequent related application(s).

Applicant respectfully submits that the Office action has not established a *prima facie* case of obviousness for at least the reason that the combined cited references do not disclose or suggest each and every element of the independent claims.³ For example, the combination of *Korpi*, *Thom*, *Pirot*, *Cassing*, *Agrawal*, and/or *Vaha-Sipila*, taken either individually or as a whole, do not disclose or suggest a central arbitration server that: generates a call detail record for a service request and populates call detail record fields thereof by default; and allows an application corresponding to a requested service to extend the call detail record fields known to the central arbitration server by adding at least one call detail record field defined by the application in order to allow the application to add information on a per call detail record basis, as recited, *inter alia*, in independent claim 1.

As previously noted in other communications, *Korpi* discloses supplementary service in the H.323 IP telephony network. Similarly, *Thom* discloses an overview of H.323, which is a visual telephone system and equipment for LANs that provide a non-guaranteed quality of service (QoS). Further, *Cassing* discloses solutions for voice over IP gateways. In addition, *Agrawal* discloses a method and apparatus for use in telecommunication systems supporting inter-working between H.323 packet-based multimedia communication systems and the Session Initiation Protocol (SIP). Finally, *Vaha-Sipila* discloses a URL (Uniform Resource Locator) scheme for "tele", "fax", and "modem" for specifying the location of a terminal in the phone network and the connection types (modes of operation) that can be used to connect to that entity.

As acknowledged by the Office action, the combination of *Korpi*, *Thom*, *Cassing*, *Agrawal*, and/or *Vaha-Sipila*—taken either individually or as a whole—does not disclose or

³ "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation . . . to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP § 2143.

suggest a central arbitration server that populates call detail record fields by default. Further, the combination of *Korpi*, *Thom*, *Cassing*, *Agrawal*, and/or *Vaha-Sipila*—either taken individually or as a whole—is silent regarding a call detail record with extensible fields. As such, the combination of *Korpi*, *Thom*, *Cassing*, *Agrawal*, and/or *Vaha-Sipila* cannot possibly disclose or suggest a central arbitration server (CAS) that: generates a call detail record and populates call detail record fields thereof by default; and allows an application corresponding to a requested service to extend the call detail record fields known to the central arbitration server by adding at least one call detail record field defined by the application in order to allow the application to add information on a per call detail record basis, as recited, *inter alia*, in independent claim 1.

Recognizing the deficiencies of *Korpi*, *Thom*, *Cassing*, *Agrawal*, and *Vaha-Sipila*, the Office action cites *Pirot*. *Pirot* discloses a system and method of controlling and managing voice and data services in a telecommunications network. The Office action alleges that the Media Gateway Control 12 of *Pirot* acts as Applicant's CAS and contains a Service Management and Provisioning functionality 52, which is used to alter and update billing fields. More specifically, the Office action states that operators, clients, or owners can modify subscriber parameters or host parameters where subscriber parameters and host parameters include, e.g., billing information. The Office action then concludes that the operators, clients, or owners (i.e., an application as claimed) can add and populate fields to the database; thus by modifying/adding the fields in the database the call detail records are extended and these fields are further populated by the billing system to generate billing information.

Assuming that the Office action's interpretation of what *Pirot* discloses is true, for at least following reasons such statements are still insufficient to support an allegation that *Pirot* discloses or suggests each and every element of Applicant's claimed invention. For example, as

noted, *Pirot* essentially provides a user interface that allows an "operator" or "owner" (or clients thereof) to modify subscriber information of a database (e.g., subscriber's profile). Such information may then be used to generate billing statements. Modifying a database, however, for generating *general* billing statements is not the same as modifying Applicant's claimed call detail record for a service request on a per call detail record basis. In fact, *Pirot*, does not disclose or suggest a call detail record that is used for collecting billing information. As such, *Pirot* cannot possibly disclose what (if any) portions or fields of such call detail record are generated and populated with information by default using the Media Gateway Control 12. In addition, because *Pirot* is silent with respect to a call detail record, *Pirot* cannot possibly disclose or suggest allowing an application to add information on a per call detail record basis. In other words, *Pirot* does not rectify those deficiencies noted above with regard to *Korpi*, *Thom*, *Cassing*, *Agrawal*, and/or *Vaha-Sipila*. Accordingly, Applicant respectfully submits that the combination of these cited references does not disclose or suggest each and every element of claim 1; and therefore the Office action has not established a *prima facie* case of obviousness with respect to this claim.

Independent claims 15 and 24 recite communication/data service network and a global private packetized communication system with elements similar to those described above with regards to claim 1. Accordingly, these claims are patentably distinguishable over the combination of *Korpi*, *Thom*, *Cassing*, *Agrawal*, *Vaha-Sipila*, and *Pirot* for at least those reasons stated above with regards to claim 1.

Based on at least the foregoing reasons, Applicant respectfully submits that the cited prior art fails to anticipate or make obvious Applicant's invention, as claimed for example, in independent claims 1, 15, and 24. Applicant notes for the record that the remarks above render

the remaining rejections of record for the independent and dependent claims moot, and thus addressing individual rejections or assertions with respect to the teachings of the cited art is unnecessary at the present time, but may be undertaken in the future if necessary or desirable, and Applicant reserves the right to do so.

All objections and rejections having been addressed, Applicant respectfully submits that the present application is in condition for allowance, and notice to this effect is earnestly solicited. Should any question arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at +1.801.533.9800.

Dated this 1st day of March, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jonathan W. Richards', written in a cursive style.

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